

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

GINO BASSETT,

Plaintiff,

v.

C/O KULICK, *et al.*,

Defendants.

Case No. 24-cv-02225-SPM

MEMORANDUM AND ORDER

MCGLYNN, District Judge:

Plaintiff has filed a motion that includes various requests and complaints. (Doc. 27). The Court will take each issue in turn, and for the following reasons, the motion is **GRANTED in part** and **DENIED in part**.

1. To the extent Plaintiff is seeking the status on the service of process for Defendant Nurse Liz, the motion is **GRANTED**. Nurse Liz returned the waiver of service executed on March 27, 2025, and her answer to the Complaint is due May 27, 2025. (Doc. 26). Defendant Nurse Liz is represented by Attorney Bridgette Fu. (Doc. 25).
2. Plaintiff disagrees with the Court's dismissal of Nurse Liz from his First Amendment retaliation claim, as articulated in Count 4. (*See* Doc. 14, p. 6-7). He states that the Court dismissed Nurse Liz because he did not write a grievance against her, but in fact, he wrote Grievance #K-4-1123-1548 dated November 14, 2023, in which he complained that he did not receive his medication from Nurse Liz. To the extent, Plaintiff is requesting that the Court reconsider the merit review order dismissing Nurse Liz from Count 4, the motion is **DENIED**. *See* Fed. R. Civ. P. 54(b). Although Plaintiff wrote a grievance against Nurse

Liz on November 14, 2023, his allegation in the Complaint is that Nurse Liz retaliated against him by denying him medication from September 23-27, 2023. Nurse Liz could not have been motivated by Plaintiff's First Amendment activity, the writing of the November grievance, in denying him medication because Plaintiff had not yet written the grievance. Thus, the retaliation claim fails.

3. Plaintiff asserts that he is being harassed by Nurse Liz. He states that she is retaliating against him because of the civil lawsuits he has filed against her by speaking loudly, complaining, and arguing with him each morning when she passes out medication. Plaintiff says he is "tired of going back n forth with Nurse Liz every time she passes [his] morning meds out to [him]." To the extent Plaintiff is seeking some form of emergency injunction, the motion is **DENIED**. An emergency injunction is "appropriate only if it seeks relief of the same character sought in the underlying suit, and deals with a matter presented in that underlying suit." *Daniels v. Dumsdorff*, No. 19-cv-00394, 2019 WL 3322344 at *1 (S.D. Ill. July 24, 2019) (quoting *Hallows v. Madison Cty. Jail*, No. 18-cv-881-JPG, 2018 WL 2118082, at *6 (S.D. Ill. May 8, 2018) (internal citations omitted)). *See also Devose v. Herrington*, 42 F.3d 470, 471 (8th Cir. 1994); *Bird v. Barr*, 19-cv-1581 (KBJ), 2020 WL 4219784, at *2 (D.C. Cir. July 23, 2020) (noting that a court "only possesses the power to afford preliminary injunctive relief that is related to the claims at issue in the litigation"). In this case, Plaintiff asserts that in the fall of 2023, he was held in unconstitutional conditions of confinement and denied medical and mental health care. He also alleges that in May 2024, he was denied due process in connection with a false disciplinary ticket. These new allegations of current retaliation and harassment are unrelated to the allegations in the Complaint, and a motion for an injunction is not the proper avenue to pursue these

additional claims.

4. Plaintiff states that he has not received medical and grievance records and asks why this is.

To the extent Plaintiff is seeking the status on discovery and the production of documents, the motion is **GRANTED**. Discovery had not commenced in this case, so Defendants have not been directed to send Plaintiff any records. Once all Defendants have filed answers to the Complaint, the Court will enter a scheduling order containing importation information on deadlines, discovery, and procedures.

IT IS SO ORDERED.

DATED: March 31, 2025

s/Stephen P. McGlynn
STEPHEN P. MCGLYNN
United States District Judge